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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/811,881 | 03/30/2004 | Kaoru Nakabayshi | Q80735 | 2777 |

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| EXAMINER |
|---|
| LEE, TOMMY D |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2625 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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| 3 MONTHS | 03/30/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/811,881 | NAKABAYSHI ET AL. |
| | Examiner | Art Unit |
| | Thomas D. Lee | 2625 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>04 January 2007</u>.

2a)☒ This action is **FINAL.**     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-8,13,14,16-23,28-32 and 35-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,13,14,16-23,28-32 and 35-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1.      This Office action is responsive to Applicant's AMENDMENT UNDER 37 C.F.R.

§1.111, filed January 4, 2007.  Claims 1-8, 13, 14, 16-23, 28-32 and 35-42 are pending.

### *Response to Arguments*

2.      Applicant's arguments filed in response to the prior rejection of claims 1-7, 15-22,

30-32 and 37-40 under 35 U.S.C. 102(b), and claims 1-6, 8, 13-21, 23, 28-32, 35 and

36 under 35 U.S.C. 102(e) have been fully considered but they are not persuasive.

Applicant's remarks on pages 12-16 are based on the claims as amended to overcome

the prior rejections.  These arguments are rendered moot in view of newly cited prior

art, as set forth below.

### *Claim Rejections - 35 USC § 103*

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.      This application currently names joint inventors.  In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary.  Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.      Claims 1-7, 16-22, 30-32 and 37-40 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. Patent 5,669,040 (Hisatake) in view of U.S. Patent

7,184,171 (Hara).

Regarding claims 1-7, 37 and 38, Hisatake teaches an image data processing

apparatus in which a parameter representing contents of a predetermined image

processing to be executed on image data and the image data are saved together with

mutual relating information, the apparatus comprising: a parameter setting unit which

sets a parameter representing contents of a predetermined image processing to be

executed on image data (job setting display section U2 displays parameters for each job

(column 12, lines 54-67)); a data saving unit which saves the image data and the

parameter together with relating information (image data stored in image data storage

section (column 7, lines 16-31)); a data acquiring unit which acquires the image data

and the parameter by referring to the relating information (related information displayed

as job numbers on job console section U1 (column 12, lines 48-53)); and an image

processing reproducing unit which obtains image data subjected to the specified image

processing based on the acquired image data and parameter (jobs undergo output

process according to job management table (column 10, line 37 – column 11, line 12)).

The parameter represents a type or degree of an image processing (sheet size, number

of copies, magnification displayed on job setting display section (Fig. 8)). There are a

plurality of parameters every image processing type (plural parameters displayed for

each job (Fig. 8)). A plurality of parameters can be saved and execution can selectively

be performed from the parameters (plurality of parameters displayed, execution of

parameters performed for selected job (Fig. 8)). The parameter includes execution

order information for carrying out an image processing in predetermined order

(execution order information (output processing order) provided on job management

table (Figs. 4A, 4B)).

Regarding claim 15, Hisatake teaches a medium recording an image data set

recording: image data (image data stored in image data storage section (column 7, lines

16-31)); a parameter representing contents of a predetermined image processing such

that the image processing can be carried out for corresponding image data (job setting

display section U2 displays parameters for each job (column 12, lines 54-67)); and

relating information for relating the image data to the parameter such that the contents

of the image processing represented by the parameter can be executed on the image

data (related information displayed as job numbers on job console section U1 (column

12, lines 48-53)).

Regarding claims 16-22, 39 and 40, Hisatake teaches a medium recording an

image data processing program for causing a computer to execute steps for performing

image processing as recited in above-rejected claims 1-7, 37 and 38, respectively

(control section includes program ROM (column 7, line 60 – column 8, line 2)).

Regarding claims 30-32, Hisatake teaches an image data processing method in

which a parameter representing contents of a predetermined image processing to be

executed on image data is set, the image data and the parameter are saved together

with relating information (image data stored in image data storage section (column 7,

lines 16-31); job setting display section U2 displays parameters for each job (column 12,

lines 54-67); related information displayed as job numbers on job console section U1

(column 12, lines 48-53)); and the image data and the parameter are acquired by

referring to the relating information, and image data subjected to the specified image

processing are obtained based on the acquired image data and parameter (jobs

undergo output process according to job management table (column 10, line 37 –

column 11, line 12)).

Base claims 1-3, 16-18 and 30-32 have been amended to indicate setting of

parameter representing contents "to modify at least one of a hue component, a

luminance value, a lightness value and a color saturation value of the image data."

While this limitation is not disclosed by Hisatake, Hara discloses an image processing

method wherein parameters for modifying color information are saved along with image

data and relating information, and the image data and parameters are acquired by

referring to the relating information (header, which includes color parameter (Fig. 11;

column 13, lines 43-48) stored together with image data (column 13, lines 56-67); when

ID of image data selected, header is checked, and image data is processed in

accordance with stored color parameter (column 14, lines 9-19); color processing

including gamma conversion (column 14, lines 20-31), which inherently involves

modification of at least one of a hue component, a luminance value, a lightness value

and a color saturation value). Providing color parameters for processing color images

when the image ID is selected enables correction of color content in scanned color

images, thereby enhancing the versatility of image processing. Therefore, it would have

been obvious for one of ordinary skill in the art to provide an additional color parameter

or parameters, as disclosed by Hara, in the parameter setting unit of Hisatake.

6.      Claims 1-6, 8, 13, 14, 16-21, 23, 28-32, 35 and 36 are rejected under 35 U.S.C.

103(a) as being unpatentable over U.S. Patent 6,377,359 (Higashio) in view of Hara.

        Regarding claims 1-6, 8, 13 and 14, Higashio teaches an image data processing

apparatus in which a parameter representing contents of a predetermined image

processing to be executed on image data and the image data are saved together with

mutual relating information, the apparatus comprising: a parameter setting unit which

sets a parameter representing contents of a predetermined image processing to be

executed on image data (column 7, line 64 – column 8, line 25); a data saving unit

which saves the image data and the parameter together with relating information

(column 8, lines 31-35; column 5, lines 43-54); a data acquiring unit which acquires the

image data and the parameter by referring to the relating information (column 5, lines

54-59); and an image processing reproducing unit which obtains image data subjected

to the specified image processing based on the acquired image data and parameter

(column 9, lines 4-9). The parameter represents a type or degree of an image

processing (resolution conversion, enlargement/reduction ratio (column 8, lines 10-46)).

There are a plurality of parameters every image processing type (parameters for

resolution conversion include resolution of output device, information on original size

(column 8, lines 10-14). A plurality of parameters can be saved and execution can

selectively be performed from the parameters (column 8, lines 31-46; Fig. 5). The

parameter is divided into a plurality of selectable sets, and an image processing is

carried out based on a set of parameters which are selected during execution

(resolution conversion as mentioned above performed according to separate sets of

additional information (Fig. 5)). The parameter setting unit sets contents of an image

processing based on a result obtained by statistically analyzing the image data (column

9, lines 27-35). The image processing reproducing unit selects an image processing

section to execute an image processing represented by the parameter and executes the

image processing (column 7, lines 52-54).

Regarding claim 15, Higashio teaches a medium recording an image data set

recording: image data (image database including image data (column 5, lines 43-44)); a

parameter representing contents of a predetermined image processing such that the

image processing can be carried out for corresponding image data (image database

further includes image size and resolution (column 5, lines 54-57)); and relating

information for relating the image data to the parameter such that the contents of the

image processing represented by the parameter can be executed on the image data

(keyword associated with retrieval of image data (column 5, lines 57-59)).

Regarding claims 16-21, 23, 28 and 29, Higashio teaches a medium recording an

image data processing program for causing a computer to execute steps for performing

image processing as recited in above-rejected claims 1-6, 8, 13 and 14, respectively

(ROM 203 stores program for implementing image data management system (column

4, lines 20-24, 55 and 56)).

Regarding claims 30-32, 35 and 36, Higashio teaches an image data processing

method in which a parameter representing contents of a predetermined image

processing to be executed on image data is set, the image data and the parameter are

saved together with relating information (column 8, lines 31-35; column 5, lines 43-54);

and the image data and the parameter are acquired by referring to the relating

information (column 5, lines 54-59); and image data subjected to the specified image

processing are obtained based on the acquired image data and parameter (column 9,

lines 4-9). The image data are statistically analyzed and contents of an image

processing are set based on a result of the analysis (column 9, lines 27-35). An image

processing section is selected to execute an image processing represented by the

parameter and is caused to execute the image processing (column 7, lines 52-54).

As mentioned above, base claims 1-3, 16-18 and 30-32 have been amended to

indicate setting of parameter representing contents "to modify at least one of a hue

component, a luminance value, a lightness value and a color saturation value of the

image data." This limitation is not disclosed by Higashio either, but as mentioned

above, Hara discloses an image processing method wherein parameters for modifying

color information are saved along with image data and relating information, and the

image data and parameters are acquired by referring to the relating information (header,

which includes color parameter (Fig. 11; column 13, lines 43-48) stored together with

image data (column 13, lines 56-67); when ID of image data selected, header is

checked, and image data is processed in accordance with stored color parameter

(column 14, lines 9-19); color processing including gamma conversion (column 14, lines

20-31), which inherently involves modification of at least one of a hue component, a luminance value, a lightness value and a color saturation value). Providing color parameters for processing color images when the image ID is selected enables correction of color content in scanned color images, thereby enhancing the versatility of image processing. Therefore, it would have been obvious for one of ordinary skill in the art to provide an additional color parameter or parameters, as disclosed by Hara, in the parameter setting unit of Higashio.

7.      Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hisatake in view of Hara as applied to claim 1 above, and further in view of U.S. Patent 5,587,799 (Kawamura et al., hereinafter Kawamura).

Neither Hisatake nor Hara disclose "wherein the parameter includes time information that enables management of a plurality of the image processing to be executed in time series." This limitation is disclosed in Kawamura (a process pertaining to a job number is performed when a start time is reached (column 7, lines 3-13)). By providing time information, a user may preprogram the image apparatus to execute processing of image data at a later time, thereby adding to convenience in operation. Therefore, it would have been obvious for one of ordinary skill in the art to modify the combined teaching of Hisatake and Hara, by providing time information for performing image processing, as disclosed in Kawamura.

8.      Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hisatake in view of Hara as applied to claim 1 above, and further in view of U.S. Patent 5,335,097 (Murakami).

Neither Hisatake nor Hara disclose "wherein an image of the image data and an image of the image data subjected to the specified image processing are displayed side by side." This limitation is disclosed in Murakami (images before and after correction displayed side by side in a split screen mode on an image monitor (column 18, lines 58-60; column 24, lines 9-13)). By displaying images before and after processing side by side, a user is better able to directly compare the two images to determine whether the processing was performed to his or her satisfaction. Therefore, it would have been obvious for one of ordinary skill in the art to modify the combined teaching of Hisatake and Hara, by providing side-by-side display of image data before and after processing, as disclosed in Murakami.

### *Conclusion*

9.    Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday-Friday, 7:30-5:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas D Lee
Primary Examiner
Technology Division 2625

tdl
March 28, 2007